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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,273	01/26/2001	Akihiro Shimotsu	A0-234 US	7981

7590 12/17/2001
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EXAMINER
DOAN, JENNIFER

ART UNIT 2874
PAPER NUMBER

DATE MAILED: 12/17/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,273

Applicant(s)

SHIMOTSU, AKIHIRO

Examiner

Jennifer Doan

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings, filed on 01/26/2001, are approved by the draftsman.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

3. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 7, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamane et al. (U.S. Patent 6,126,325).

Yamane et al. disclose, in Fig. 6, a ferrule (73) for an optical fiber connector comprising a capillary (73a) having a pair of opposing ends; a hole for insertion of an optical fiber (73b); and a flange (72b) molded onto outer surface of the capillary having a projecting portion (72b1, 72b2 and 72b3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamane et al.

Yamane et al. disclose, in Fig. 6, a recess portion (72d, 72e) and a projecting portion (72b1, 72b2 and 72b3), wherein the recess portion is formed in the capillary

outer surface and the projecting portion is formed integral with the flange as shown in fig. 6.

Yamane et al. only disclose a groove (72d, 72e in fig. 6). Yamane et al. do not explicitly disclose a recess. However, it is obvious to use a groove as a recess.

Yamane et al. disclose the claimed invention except for the flange being molded from a plastic material as recited in claim 2. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the flange made from a plastic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

It is noted that a projecting portion extends into a recess portion, wherein the recess portion is formed in integral with the flange and the projecting portion is formed in the capillary outer surface as recited in claims 3 and 5 are not disclosed in the Yamane et al. patent.

The projecting portion extending into a recess portion, wherein the recess portion being formed in integral with the flange and the projecting portion being formed in the capillary outer surface is considered to be obvious choice in design, since forming the recess portion to integral with the flange and forming the projecting portion in the capillary outer surface are one of many means for holding the capillary. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the position of the recess and projection in the Yamane et al. system. Doing so would hold and protect the optical fiber in the device.

Yamane et al. disclose the claimed invention except for the flange having a cylindrical outer surface comprising a large and a small diameter portion as recited in claim 6. It would have been an obvious matter of design choice to make the cylindrical flange including a large and a small diameter portion, since such a modification would have involved a mere change in the figure of a component. A change in form or shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 149 USPQ 47 (CCPA 1976).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Iwano et al. (U.S. Patent 4,818,061) and Koma (JP02000147320A) show a ferrule for an optical connector. Tanabe (U.S. Patent 5,588,079), Takahashi et al. (U.S. Patent 5,621,835) and Matsuoka et al. (U.S. Patent 5,845,029) show an optical connector used in the optical communication for coupling one optical fiber to another optical fiber. Kimura et al. (U.S. Patent 5,852,694) show an optical connector for connecting an optical fiber, which transmits a high-energy beam.

9. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 05/07/2001, have all been considered and made of record (note the attached copy of forms PTO-1449).

10. Any inquiry concerning the merits of this communication should be directed to Examiner Jennifer Doan whose telephone number is (703) 308-6179. The

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examiner can normally be reached on Monday to Thursday from 6:30am to 4:00pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick, can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jennifer Doan

Jennifer Doan

Patent Examiner

December 11, 2001

Akmal
Akmal E. Ullah
Primary Examiner